



anJEC

REPORT

FALL 2003

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Director's Report

Ballot Questions with Environmental Impacts

On Election Day, November 4, New Jerseyans have an opportunity to vote on the three public questions. Each has environmental impacts.

Public Question #1 asks voters to approve a constitutional amendment to increase the total amount of bonds that the Garden State Preservation Trust may issue from \$1 billion to \$1.15 billion. Approval of Public Question # 1 would require no new or increased taxes. Instead it takes advantage of falling interest rates.

The 1998 constitutional amendment that set up the open space funding capped the amount of Garden State Preservation Trust's bonds at \$1 billion. That cap was established to insure that the \$98 million per year in existing sales tax revenues, which the 1998 amendment dedicated for 30 years, would be sufficient to retire the principal and interest on these bonds. Since 1998, however, interest rates have fallen dramatically, which means that the cap can now be increased because the existing dedicated revenue can cover the additional \$150 million in bonds

The increase of \$150 million of bonding capacity will help achieve additional preservation of open space and farmland, and improvements in existing community parks. Our natural areas, farmland, and land for parks in our cities and towns are quickly being lost to sprawl and over-development. Over-development also threatens and compromises watershed areas for reservoirs and aquifers that supply drinking water supplies throughout the state.

Current applications to the DEP Green Acres program exceed the present level of state funds available to preserve open space and farmland and to develop community parks and the backlog of critical preservation projects across the state continues to grow. The additional state funding will help more municipal and county governments to leverage their local funds to purchase property.

Having additional money available now will enable increased purchase of land at current prices. Given the rising costs of land, buying more land sooner will save taxpayers money in the long run. Hopefully, voters will understand that Public Question #1 is a win-win situation for the state and approve it.

The Public Question #2 also amends the state constitution. It expands the authorized uses of dedicated corpo-

rate Business Tax revenue to include funding the costs of the remediation of hazardous discharges and the costs - up to \$2 million per year - of a State underground storage tank (UST) inspection program. An amendment to the constitution in 1996 dedicated 4 percent of the annual revenue of the business tax to fund cleanup of UST projects.

This year's amendment would also remove the 2008 expiration date of the current dedication of the tax, and thus continue its allocation for those purposes. The result would be a stable and permanent source of funding for brownfields cleanups - \$20 to \$40 million per year plus \$100 million collected but never used for cleaning up underground tanks.

A third Public Question would authorize \$200 million in new General Obligation Bonds for dam repairs, lake and stream dredging and restoration, the cleaning and desnagging of streams and flood control projects, wastewater treatment system projects and water supply projects. While this bond issue would enable some worthwhile projects, it also funds inappropriate remedies, in particular sewer extensions, which promote suburbanization and thus flooding. It would also fund private dams that have no public access. During the legislative hearings that put this item on the ballot, some environmentalists asserted that these bonds, which have to be repaid from the State's general revenue, have the look of "pork."

When you go to vote, remember that these three issues are on the ballot this year. The three issues will have an impact on how the state spends our tax money for land preservation, brownfields cleanup and water protection and safety for years to come.

Sandy Batty
Executive Director

Cover Photo: In honor of Molly Adam's memory, one of her wonderful bird pictures – a blue heron flying across a field.

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566 MUNICIPALITIES ONE ENVIRONMENT

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The Association of New Jersey Environmental Commissions is a private, non-profit educational organization serving environmental commission and open space committee members, concerned individuals, non-profits, and local officials. ANJEC's programs aim to promote the public interest in natural resource preservation, sustainable development and reclamation and support environmental commissions and open space committees working with citizens and other non-profit organizations.

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Monitoring Municipal Open Space & Conservation Easements

By Kim Ball Kaiser, ANJEC Open Space Project Director

In the 1960s, the New Jersey Department of Environmental Protection developed the Green Acres Program that enabled and encouraged municipalities to preserve land.

In the 1980's the legislature enacted a bill that allowed for local open space taxes.

In the 1990's the Garden State Preservation Trust came to be with the goal of preserving 1 million acres in ten years.

Municipalities, counties, the state and nonprofits are joining in cooperative efforts to maximize their preservation dollars. To date, with New Jersey's history of land preservation, they have acquired more than 1.2 million acres of open space and farmland in communities across the State.

Along with these acquisitions of open space, comes an obligation to monitor these properties to insure that their natural resource, habitat and recreational values remain intact. Some have estimated that there are 10,000 preserved parcels, most of which are owned by municipalities and most of which are not monitored.

Land trusts, by virtue of their mission statements, have long recognized that the strength of any open space protection program lies in the diligence of their monitoring and enforcement responsibilities. Municipalities, because of their recent successes in acquiring open space, are realizing the importance of establishing such programs.

Municipalities own open space generally by two basic methods: fee simple or fee and conservation easements.



Forms of Ownership

Fee simple is how a home is owned. The owners of this property can do anything to the land (within legal requirements) they want to. Fee simple open space can be purchased, donated, or even acquired through foreclosure. It is outright ownership. A municipality, generally, has its open space owned in fee, well mapped, monitored and maintained. When property ownership is turned over to the municipality, the town receives a deed that recites any use restrictions for the land. This is not always true of conservation easements a town owns.

A lack of vigilance over municipal conservation easements inevitably results in encroachment and degradation of hard-won open lands by off-road vehicle use, clearing, grading, dumping or even construction of outbuildings. Other encroachments are more subtle, like the homeowner who mows his lawn further and further back into a protected area over the years, or tosses yard waste behind an easement line.

A conservation easement on the other hand, is a legal agreement

between a landowner and public entity or conservation organization like a land trust. The landowner keeps ownership of the land and most of its resources, but gives up the right to exercise more intensive uses such as clear-cutting vegetation, or building residential or commercial development. The effect of this agreement is to ensure the permanent protection of the important natural or historic resources while leaving its management to the public entity or conservation group. This method is also known as "purchasing a property's development rights."

Many landowners like this option because it allows them to remain on the land; it allows for preservation of land when an owner is reluctant to vacate the premises. Many towns also like this approach because acquiring a conservation easement is less costly than buying property in fee simple.

The Role of Environmental Commissions

There are generally three scenarios when a municipality takes a conservation easement: when a resident voluntarily donates or sells an ease-

ment on appropriate land; during the subdivision or site plan process when municipalities require applicants to give conservation easements, for instance on wetlands, steep slopes over 25 or 30 percent or stream protection corridors; or when a municipality asks for an easement on elements like historic hedgerows or tree lines.

So who in a municipality would be appropriate to identify municipal conservation easements and setup a program to monitor and maintain them?

State enabling legislation and local ordinances give environmental commissions the responsibility to advise municipal government on environmental resource planning and protection issues. They have broad advisory powers that enable them to perform a variety of activities in their communities. Although environmental commissions have no enforcement powers they can serve the municipality as monitors for environmental protection. Not only can they assess development impacts, they can also inspect open space and easements and keep complete records on them.

Finding and Mapping Open Space & Conservation Easements

Developing a comprehensive inventory of existing public open space is a good place to start. Does the town have a Recreation and Open Space Inventory (ROSI)? Any town that applies for Green Acres funds has to prepare a ROSI which lists by block and lot, all municipally-owned land held for conservation or recreation purposes, whether purchased with Green Acres money or not. This includes the purchase or acquisition of conservation easements.

Other places to look for information are in the town's Open Space and Recreation Plan put together for Green Acres applications, or an open space or greenway element in your

master plan. Local tax maps may have conservation easements noted on them. Additionally, some counties have done some digital mapping work that may include conservation easement information.

But what if none of this information is available?

The township's planning department keeps plats of all the development in town; the municipality should have a copy of every site plan and subdivision plan in the township. These plans indicate where the conservation easements are located with a dash line. It's a daunting prospect, but it is a tried and tested method for capturing data on conservation easements.

Once you find out where the property is, get a copy of the deed and conservation easement language. There could be restrictive language in the deed with regard to township owned property. The same is true with easements...to know what the restrictions are, what activities are permitted on the land. Easement language is not uniform. Years ago conservation easements were one page long, now some go on for 30 pages. You also need to check the metes and bounds description in the deed to establish the parameters of the easement. With luck, the local tax office may retain a copy of the deeds for land or easements the town owns. However you may ultimately have to go to the county clerk's office where all deeds are recorded. To find the deed you need block and lot information (available from the tax map or the plats).

Once the conservation easements have been identified, develop a computer database, with block and lot numbers, owner, easement holder, easement terms, significant environmental features, chronology of monitoring visits, etc. Dated photographs of the lands under easement are a good way to document the status of the property.

Next develop a baseline documentation checklist and a monitoring inspection form to record changes (written and photographic) since the last visit; then inspect each easement annually (ideally) with advance notice given to the landowner and with the owner present. Finally good

A number of environmental commissions in Morris County have begun to tighten up their easement tracking systems. Washington Township now enters all easements onto the municipal tax map, and requires physical markers along the perimeter of protected lands. Over the last several years, the Harding Township commission inventoried municipal conservation easements, a tedious process that involves searching through deeds and planning board resolutions. Commission members worked with local volunteers to walk and photograph the lands under easement, creating a database that will serve as a baseline for monitoring. The Chatham Township commission recently completed an inventory of municipal conservation and trail easements, and converted the easement information into GIS (computerized) format for inclusion on the town's computerized block and lot tax map. The commission set up a website <http://www.geocities.com/ctecnj> that provides conservation easement information for landowners, including a spreadsheet of the township's easement inventory.

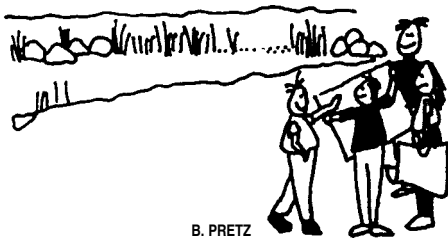
record keeping and storage is vital. The data needs to be available for future generations and to provide continuity for new stewards.

Next Steps

In addition to establishing a conservation easement monitoring program, an environmental commission can pursue several programs to preserve the key resources of protected open space.

First and foremost is public education. Place an article in the town newsletter or local newspaper on conservation easements, their importance to habitat and natural systems and the usual activities restricted by them. Have a public meeting, get a speaker. Place data on the 'care and feeding' of easements on the town or commission website.


Hand in hand with public education is landowner outreach. Invite owners of land with easements to



Saturday morning coffee and doughnuts at town hall to discuss the importance of conservation easements and monitoring. Develop a brochure and mail it to owners.

Some municipalities have enacted ordinances that require conservation easement markers be placed on all

new conservation easements created during the site plan subdivision process. One town requires a notice be sent when property with an easement changes hands, so that the new owners know about the conservation easement.

The key to the enforcement of easement provisions is education, regular, well-documented inspections and a congenial partnership with the landowner. Copies of forms other organizations use for monitoring are available at ANJEC. 

ANJEC Enters Second Year of Smart Growth Planning Grant Program

By Kerry Miller, ANJEC Assistant Director

Two years ago, ANJEC approached the Geraldine R. Dodge Foundation (Morristown) with a proposal to establish a program of "Smart Growth" matching grants for municipalities. The grants would fund innovative local planning activities designed to protect natural resources, and enable grantee towns to work toward establishing the land use patterns envisioned in the State Plan. The Dodge Foundation has funded this exciting new program for municipalities in the Highlands, Pinelands and Delaware Bayshore regions of the state for the last two years. ANJEC mailed requests for proposals to municipalities in January 2002 and 2003.

The first round of grant projects commenced in nine municipalities in June 2002 and ranged from a natural resource inventory update (the foundation document of good land use planning) to a comprehensive study of local groundwater supply. Matching grants ranged from \$1,000 to \$25,000. Most first round projects are at or near completion. The products of these studies and projects, adopted into the towns' master plans, will facilitate measurable changes in land use, from zoning to open space protection.

- **City of Bridgeton (Cumberland)** developed a Riverfront Redevelopment and Open Space Plan for a section of the Cohansey River that runs through the downtown center.



- **Byram Township (Sussex)** created a lakefront development plan for six older lake communities in the Township. This comprehensive plan proposes septic, zoning, management and design changes to prevent overdevelopment and water quality degradation, and preserve the unique character of the lake communities.
- **Franklin Township (Gloucester)** did extensive review and revision of its Master Plan's Land Use Element, based on community "visioning" and buildout analysis.
- **East Greenwich (Gloucester)** completed an Open Space and Recreation Plan.
- **Hamburg Borough (Sussex)** developed a comprehensive "Historical, Recreational and Open Space Resource Protection Plan."
- **Lebanon Township (Hunterdon)** completed an update of its Natural Resource Inventory and a review of the township's environmental ordinances.
- **Plumsted Township (Ocean)** collected and mapped local environmental and parcel data that it used to create a comprehensive Master Plan Conservation Element and critical areas ordinance.
- **West Milford (Passaic)** hired a consultant hydrogeologist to conduct a complete analysis of the Township's groundwater supply, to determine its capacity to serve current and future development.

In May 2003, a review committee including staff from ANJEC and land conservation organizations across the state selected 16 additional projects

for Smart Growth funding from a second round of 26 applicant municipalities. The towns receiving 2003 grants are:

- **Berkeley Twp.** (Ocean), **Logan Twp.** (Gloucester), **Monroe Twp.** (Gloucester), **Morristown** (Morris), **Mount Olive Twp.** (Morris), **Ringwood Borough** (Passaic), **Vernon Twp.** (Sussex), **White Twp.** (Warren) and **Woolwich Twp.** (Gloucester) – for open space plans and natural resource inventories;
- **Bethlehem, Lebanon and Union Townships** and **High Bridge Borough** (Hunterdon) – for a joint Spruce Run Highway Corridor Sustainability Project to reduce pollutant loadings to the Spruce Run Reservoir and improve the sustainability of the municipalities;
- **Barneget Twp.** (Ocean) – for a bikeways master plan;
- **Byram Twp.** (Sussex) – for Master Plan and zoning revisions to complete Byram’s comprehensive Smart Growth initiative;
- **Delaware Twp.** (Hunterdon) and **Harding Twp.** (Morris) – for ground-water and buildout studies and related Master Plan and zoning revisions;
- **Pequannock Twp.** (Morris) – for a river greenway park plan;
- **Washington Twp.** (Morris) – for critical areas protection ordinances.

To qualify for a Smart Growth Planning Grant, a municipality must have a functioning environmental commission, established by ordinance that will participate in or act as lead agency for the project. By funding the Smart Growth program, the Dodge Foundation is helping to achieve better land use in New Jersey and providing opportunities for environmental commissions to play a strong role in the local land use planning process. In many cases, the environmental commissions are also saving their towns money by providing in-kind labor contributions equaling up to half of the required 50 percent municipal match for the Smart Growth Planning Grant projects. 🌱

In Memoriam

Over the last few months, ANJEC lost two very special women. Both worked hard for environmental protection and open space preservation. Both served on their local environmental commissions. And both volunteered their unique talents and knowledge to support ANJEC’s programs and staff. ANJEC staff and trustees extend our deepest sympathy to their families and friends.



Mimi Upmeyer

Mimi Upmeyer had a rare combination of talents. She was very smart, very well organized, a hard worker, skilled at handling both the details and the big picture. And she was a mentor, recruiting dozens of environmentalists to work with local environmental commissions and land trusts. A number have gone on to work for environmental organizations. On top of these skills, she was one of the nicest, warmest people, just very naturally nice and considerate. And a joy to be with whether you were working together or simply enjoying each other’s company.

As ANJEC’s first State Plan project director in the late 80s Mimi had to deal with widespread uncertainty and resistance to the Plan and its principles. These negative attitudes never seemed to get Mimi down. She organized dozens of workshops, wrote a special newsletter, and had daily conversations to promote local involvement in the development of the first Plan. As a result dozens/scores of municipalities across the state began to understand the Plan’s benefits and worked on changing their master plans and zoning ordinances. Mimi designed and wrote

ANJEC’s first Resource Papers, which have become a standard element of our education program.

Mimi was a member of the Delaware Township (Hunterdon) Environmental Commission for more than 20 years, serving as chair and helping the commission obtain a number of grants. She coordinated water testing and planning projects and a state of the watershed report. As the commission’s representative to the planning board, she was able to convince otherwise skeptical planning board members to require applicants to grant conservation easements on important lands.

After 10 years on ANJEC’s staff, she became the administrator of the Hunterdon Land Trust Alliance. She recently joined ANJEC’s Board of Trustees and also served on the boards of the Delaware River Mill Society and Locktown Stone Church.

Molly Adams

For more than 20 years, Molly Adams donated her beautiful photographs for the *ANJEC Report* to use on our cover. To honor her memory, we’re using Molly’s picture of a great blue heron flying across a field for this issue’s cover.

A self-taught highly skilled photographer, she served on the Mendham Township Environmental Commission, the Upper Raritan Watershed Association board, and was an active member of the Somerset Hills Garden Club. She was a very modest person, who usually spoke as if she had not accomplished anything special. The Smithsonian Institute will be housing a special collection and exhibit of her extensive archive of photographs of houses and gardens. Molly’s pictures also appeared in Sunday garden sections, magazines and many books. She traveled all over the U.S. and the world, taking photographs wherever she went. Her pictures of the Pinelands, the Great Swamp and birds of all kinds helped NJ environmentalists communicate the beauty of resources they were working to protect. 🌱

Infiltration & Soil Compaction

Important Environmental Concerns

By Abigail Fair, ANJEC Water Resources Director

Under natural conditions over 50 percent of the precipitation that falls to earth infiltrates and recharges groundwater. As development occurs, less and less precipitation infiltrates, more and more runs off. In fact, most stormwater management practices over the last decade have resulted in increased volumes of runoff and reduced infiltration. Wet weather produces more and more flash flooding. And even minor dry spells result in streams with little or no water in them. As more water runs off our land, less recharges the groundwater and aquifers that supply drinking water for about half NJ's population.

NJDEP is currently amending state regulations to change stormwater management for new development projects. The regulations aim to mimic the natural water cycle instead of merely rushing the stormwater off site as efficiently as possible. The reason? Most current stormwater management regulations deal only with the rate of runoff. They require that the peak rate after development must be no greater than before construction. While this approach was a step in the right direction, it effectively ignores the substantial increase in amount of water that flows off land after development and prevents groundwater recharge. It also results in extended peak flows and increased flooding downstream.

Development and Water

Developing a tract of land dramatically alters the hydrologic cycle of the site and ultimately of the entire watershed. The initial

clearing removes the trees, bushes and other vegetation that intercepted and absorbed rainfall. The grading takes away natural depressions that stored rainfall, and allowed the water to infiltrate into the ground or evaporate back into the atmosphere. And as construction vehicles move over the site they further reduce the land's capacity to absorb rainfall as their weight compresses the soil. This results in a greater volume of runoff. In fact, according to one study, one-third of disturbed urban soils allow virtually no infiltration. All the rain that falls on them runs off. In terms of stormwater and runoff, these soils are just like concrete or asphalt.

To maintain the state's groundwater and aquifers, the proposed stormwater regulations set specific criteria for groundwater recharge, requiring applicants to demonstrate

"If we can encourage a raindrop to soak into the ground instead of running off, it will moisten our soil without eroding it and help feed our groundwater supply."

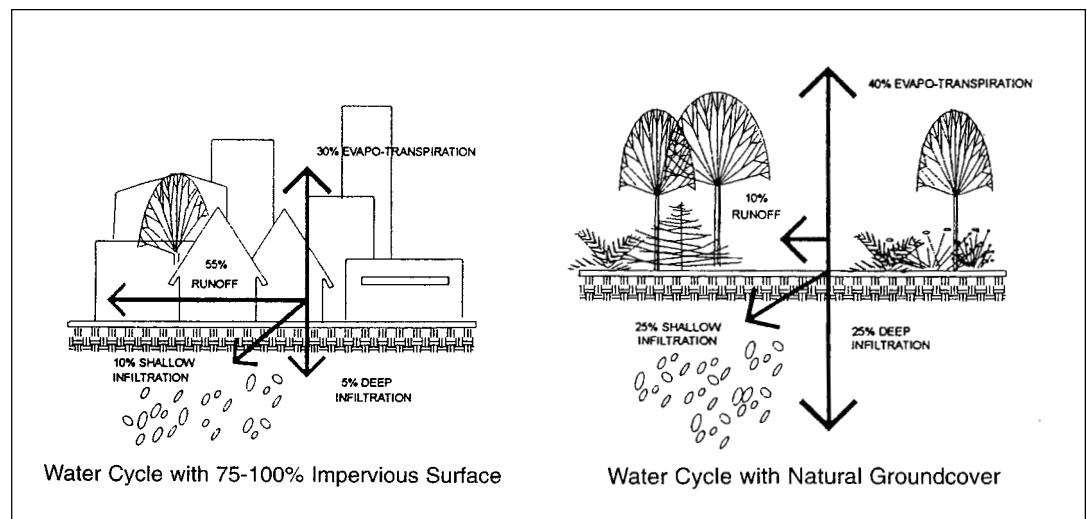
— David Friedman, Director
Ocean County Soil Conservation District

they will meet one of the two following conditions.

- After development, the site will maintain 100 percent of the average annual pre-construction recharge volume; or,
- The increased stormwater runoff from pre-construction to post-construction for the two-year storm is infiltrated.

The proposal specifically exempts areas of high pollutant loading like industrial and commercial developments from stormwater infiltration.

Stormwater infiltration is key to recharging groundwater. Best Management Practices (BMPs) like dry wells, infiltration trenches, swales or basins have long been in use, but without any particular standards. NJDEP's new regulations will include design and maintenance criteria for at least a dozen BMPs.



BMP Removal Rates for Total Suspended Solids

BMP	% Removal Rate
Bioretention Systems	90
Constructed Wetlands	90
Forested Buffers	70
Extended Detention Basins	40-60
Infiltration Structure	80
Sand Filter	80
Vegetated Filter Strip	50
Wet Pond	60-90

Making Infiltration Work

Making infiltration work requires careful site evaluation and planning. Soil permeability comparable to that required for septic systems, water table and bedrock at least three feet below the surface, and slope gradients are important considerations. To prevent sediment and pollutants like petroleum from reaching the groundwater, it is important to pretreat runoff from streets, driveways and parking lots before it enters any infiltration device. Pretreatment techniques like grass swales, grass channels, or filter strips are generally effective filters for particulates. Runoff from most roofs (except galvanized) is clean enough to be piped directly to dry wells that ultimately infiltrate the water into the surrounding soil.

NJDEP has established pollutant removal rates for different best management practices (BMPs). The Department recognizes that combining BMP's is frequently more effective than use of a single BMP. In other words two BMPs used together may meet the required per cent removal rate, where individually they may not.

The Dangers of Soil Compaction for Infiltration

Healthy soils support plant growth, cycle nutrients, receive and store water, resist soil erosion and filter nonpoint pollutant sources. Witness use of soils as effective pollutant removal agents in properly designed septic systems. Soils contain minerals, water, air, and organic material. Soil structure - the way soil particles are arranged relative to each other - is important. Good infiltration soils have a struc-

ture that maintains porosity through air pockets or pores.

In the late 1990's the Ocean County Soil Conservation District (OCSCD) observed that the runoff from many recently constructed housing developments was greater than it should have been, given stormwater management calculations. In addition, OCSD noted that many lawn areas on sandy, porous soils remained saturated for extended periods of time, resulting in premature death of landscape plants, and runoff even from brief irrigation. Working with the US Department of Agriculture's Natural Resources Conservation Service (NRCS) and consultant engineers, the OCSCD conducted a study of soil compaction and its impact on infiltration. Reporting on the study's findings, OCSCD District Director David Friedman states that soil's ability to infiltrate rainwater is a crucial function that must be both protected and restored. Porosity determines soil's infiltration capacity, the best generally being near the surface.

Heavy construction equipment compresses the ground, removing the pore spaces vital to rainwater absorption. In many housing developments and athletic fields there has been so much compression that the soils' bulk density is the equivalent of concrete.

According to studies reported in the Center for Watershed Protection's journal *Watershed Protection Techniques*, nearly every kind of development compacts the soils. The weight of grazing livestock tramples pastures' soils. Heavy farm machinery compresses the soil up to two feet below the surface. As construction begins, grading equipment compacts the surface and exposes fine subsoils. Then as trucks and construction equipment crisscross the property they compress the soils even more.

Permeability Measurements of Ocean County Sampled Layers

Site	Inches per hour
Woods	15
Pasture	9.9
Single House	7.1
Cleared woods13
Subdivision lawn03
Athletic Field01
Concrete	0

Soil compaction increases stormwater runoff and creates drainage problems because the soils lose their water-holding capacity. A 1994 study found that compacted soils produced from 40 to 60 percent of the annual runoff in small developed drainage areas.

Reviving Permeability

In a project sponsored through the Barnegat Bay Estuary Program, the OCSCD and NRCS worked to restore the physical, chemical and biological functions of stormwater management basins that were no longer infiltrating runoff. Restoring physical functions is basically a dig and drop process to restore the soil porosity so that plants and soil organisms can survive and the soil can infiltrate rainwater. Prior to restoration, an evaluation measured soil bulk density, depth of compaction, and classified the soil texture.

County road department staff excavated a few failed basins down to a subsoil layer, to remove the compacted topsoil. They spread and mixed lime, gypsum and compost from the Ocean County Recycling Center with the existing soils to help balance nutrients and encourage plant growth in these acid soils. The compost supported soil organisms that are essential to improving infiltration rates and promoting plant growth. Finally, the county road department seeded the basins with a mixture of drought tolerant and native grasses and planted native shrub and tree seedlings to help mimic a natural wooded depression or rain garden.

This project has helped to demonstrate the significance of improving soil health in stormwater management and the importance of incorporating soil health into future basin retrofits. The results of restoration are encouraging. Runoff is infiltrating instead of ponding. Within one day of major storm events, these basins are dry.

How Environmental Commissions Can Help

Environmental commissions can help their communities protect and restore the quality of their soils.


- Encourage residents to plant rain gardens, using native plants that absorb precipitation and need little or no fertilizer or pesticides.
- Encourage residents to reduce lawn areas and plant groundcovers.
- Work with the planning board and governing body to incorporate soil protection measures into site plan review including
 - Minimum area of site disturbance;
 - Construction sequence requiring equipment and machinery not to move onto undisturbed areas;
 - Protection of stockpiled top soil;
 - Retention of vegetation and trees outside construction area.
- Encourage use of (or retrofit old basins into) bio-retention basins, where soils and conditions are appropriate.
- As soon as possible, work with planning board and governing body to adopt stormwater ordinances that require infiltration where conditions allow. Infiltration is a BMP that the state Residential Site Improvement Standards encourage. "Development shall use the best available technology to accommodate stormwater management by natural drainage strategies where possible and practicable." N.J.A.C. 5:21-7.5.

For Further Information

Center for Watershed Protection,
www.cwp.org

Nonpoint Education for Municipal Officials on the web at:
<http://nemo.uconn.edu>

NJDEP, *New Jersey Best Management Practices Manual*,
www.njstormwater.org

Ocean County Soil Conservation District study and general information, www.ocscd.org. 

Smart Growth Updates



NJ Supreme Court Expands Local Power for Environmental Restrictions

By Candace Ashmun

This summer, creative municipal zoning based on legitimate scientific and land use data and designed to specifically meet the goals of the Municipal Land Use Law (MLUL) received a boost in a unanimous, broad decision of the New Jersey Supreme Court. In *Rumson Estates*, the Court overturned the earlier *Manalapan* decision and altered long held views of the definitional control and the uniformity principle previously conceived as narrowing the options available to municipalities.

In the *New Jersey Law Journal*, attorneys Lewis Goldshore and Marsha Wolf observe that in this decision, "The Supreme Court substantially expands the authority of municipalities to impose visual and environmental restrictions on residential development.... (This decision) will provide encouragement to similarly situated municipalities that had been holding back from the adoption of environmentally protective ordinances due to legal uncertainty. Based on the Court's decision, some of those jurisdictions will be inclined to re-examine their local situations and consider the option of adopting those types of ordinances that have now been validated."

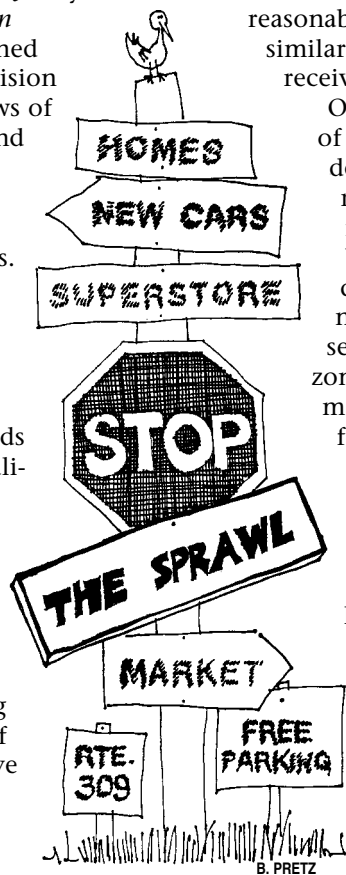
Local Definitions Upheld

The NJ Supreme Court decision states, "We hold that, with a narrow exception, the Municipal Land Use Law

does not preclude a municipality from adopting a zoning ordinance that defines terms differently from the definitions in the MLUL. We also hold that the notion of uniformity does not prohibit classifications within a district so long as they are reasonable and so long as all similarly situated property receives the same treatment."

One issue was the ability of towns to make their own definition of floor area ratio and preserve neighborhood integrity by limiting the size of dwellings in a specific neighborhood. The second issue was whether zoning regulations might make different provisions for different conditions within a zone without violating the so-called uniformity principle. The latter principle has long held that every lot in a zone, regardless of environmental conditions like steep slopes or wetlands, must be treated alike.

The Court consolidated two cases involving Monmouth County communities Fair Haven and Atlantic Highlands. In the Fair Haven case the town zoned a specific area to a specific lot size and established a floor area ratio to limit habitable floor area to a percentage of the total lot and most important capped the allowed habitable floor area. The plaintiff argued that this violated the definition of floor area ratio in the



MLUL. Atlantic Highlands adopted a steep slope ordinance. In its zoning ordinance Atlantic Highlands required that in steep slope areas the total land area of a lot be multiplied by a graduated slope factor to reach the permissible lot size. Plaintiffs argued that the ordinances altered the definitions in the MLUL and thwarted the notion of uniformity in a zone.

MLUL Delegates Zoning Power to Municipalities

The decision, authored by Justice Virginia Long, reminds us that the MLUL is the vehicle by which the legislature, as the constitution provides, has delegated its police power to zone land to the municipalities. The Court cites the Purposes and Goals of the MLUL and states, "Every zoning ordinance must advance one of these goals." It points out the basic principle that ordinances are presumed valid. The party challenging bears the burden of overcoming that presumption. The Court may declare an ordinance invalid if it violates the federal or state constitution or if it is preempted by superior legal authority. The decision goes on to state that a land use ordinance or regulation is governed by the MLUL, is valid if it serves the purposes of zoning, is not unreasonable, arbitrary or capricious and meets all the procedural requirements. The decision also states, "As per the State constitution the delegation of zoning authority to municipalities shall be liberally construed in a municipality's favor."

The Court differentiated between the definitions in the MLUL by noting that the term "shall" indicates a mandatory requirement whereas the term "may" indicates permissive action. A previous NJ Supreme Court decision overruled a Manalapan (Monmouth) ordinance, which

reduced the area for the calculation of floor area ratio by excluding rights-of-way and environmentally sensitive areas. In its 2003 decision the Court stated that it disagrees with this interpretation because it "receives no support from the language in the MLUL." Reviewing the legislative history of the MLUL the *Rumson Estates* decision states, "The legislature intended to empower municipalities to address creatively the subject of the intensity of land use without definitional restriction. In sum, a municipality may enact a zoning ordinance that alters the non-

mandatory definitions in the MLUL."

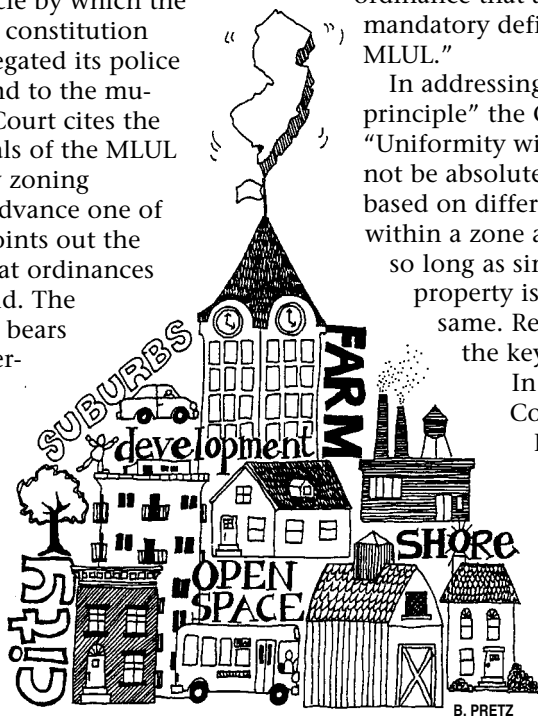
In addressing the "uniformity principle" the Court stated, "Uniformity within a zone need not be absolute and regulations based on different conditions within a zone are permissible so long as similarly situated property is treated the same. Reasonableness is the key."

In conclusion the Court noted that Fair Haven's cap on house size in a zone fully established with more modest residences promotes a desirable visual environment. This

creative zoning technique met the goals of the MLUL. In the case of Atlantic Highlands the Court said that the steep slope ordinance regulations met legitimate environmental and safety goals of the MLUL. The Court concluded that the reasons advanced in Fair Haven and Atlantic Highlands to impose different definitions and alter uniformity within a zone in special cases are real, are "not feigned and they advance and are reasonably related to the purposes of zoning."

For Further Information

• The full text of the Supreme Court decision is available at <http://lawlibrary.rutgers.edu/courts/supreme/a-159-01.opn.html>




State Rule Proposals

Over the last several months, the state has released a number of smart growth-related rule proposals.

- The State Planning Commission has proposed revisions to the Cross-Acceptance process. Deadline for comment 11/1/2003. Text available at www.state.nj.us/dca/osg/resources/rules/stateplanningrules.html
- In August, the Council on Affordable Housing adopted proposed revisions to its rules to be officially published in early October. ANJEC has signed on to a letter urging Governor McGreevey to withdraw these rules because they will not meet the state's needs and also lack important environmental protections like State Plan consistency and limitations on construction on steep slopes, wetlands and other environmentally sensitive areas. Text available at www.state.nj.us/dca/coah
- NJDEP has re-proposed the Stormwater Management Rules because of a major change to address issues around of grandfathering and the definition of major projects. ANJEC supports the amendment. Deadline for comment 11/14/2003. Text available at www.state.nj.us/dep/watershedmgt/rules.htm

Funding Opportunities

NJDEP's Division of Watershed Management will award approximately \$6,400 to each of the 467 Tier A municipalities (most urbanized and coastal communities) when they return a one page application and agreement included in the NJDEP's municipal stormwater permit package.

NJDEP's Division of Parks and Forestry is accepting applications from government agencies and non-profits for trail development, construction, maintenance, restoration and rehabilitation on lands open to the public for the National Recreational Trails Program. Maximum grant \$25,000; minimum match 20 percent of total project cost. The deadline is December 17, 2003. For further information contact Larry Miller at 609-984-1339 or larry.miller@dep.state.nj.us. 

Resource Center



By Michele Gaynor, Resource Center Director

Dealing with Development Proposals

A new subdivision on the last piece of green space in town. Another strip mall with stores identical to the ones a few miles down the road. What municipality *is not* faced with some development that's either not needed or not appropriate? Environmental commissions can help their communities deal with development proposals that threaten to increase sprawl and damage already stressed natural resources.

Participate Early and Often

Review your master plan and ordinances. Do they need to be revised and updated? Are there appropriate protections in place for slopes, aquifers, surface water, forested areas and important trees? Does the zoning focus growth on areas where infrastructure like sewage, roads and mass transit are already in place?

If a commission has completed an index of natural resources, generally known as an environmental resource inventory (ERI), the Municipal Land Use Law (MLUL) directs the planning and zoning boards to provide the commission with copies of all development applications. (N.J.S.A. 40:55D-27) The state enabling legislation gives commissions the

power to study and advise the planning board (or if none the mayor and governing body) on the use and development of open land areas. (N.J.S.A. 40:56A-2) This means that commissions can (and do) make recommendations on development applications especially those that may endanger or destroy critical habitat, cause stream degradation or flooding, or otherwise threaten the quality of life for a municipality's residents.

An important way to integrate natural resource protection into local land use decisions is for the environmental commission to convince the planning board to adopt the ERI in the master plan's conservation element. This gives the ERI more legitimacy and helps insure that planning and zoning board members take natural resource data into account when reviewing proposals.

It is crucial for environmental commissions to participate in planning and zoning board's subdivision and site plan review process, which examines how a developer meets the requirements of local land use ordinances and offers an opportunity to evaluate how a proposal may affect a site's environmental constraints. The earlier in the development review process the commission's concerns are put forth, the more likely they will have a positive impact

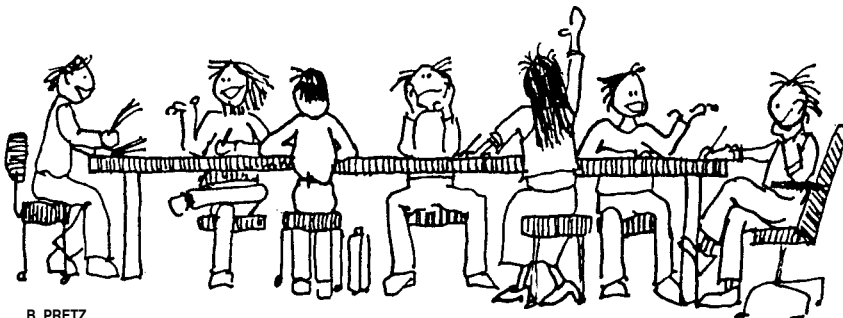
on the final proposal. It is important for the environmental commission to maintain good communications with planning board members, especially the person who also serves on the environmental commission, as well as the municipal planner, engineer and/or planning board secretary.

Environmental commission representatives should participate in the planning board's pre-application conference or if necessary, set up a pre-application conference with the commission itself. Developers are much more likely to respond positively if they learn of local concerns **before** they've invested a lot of money in engineering and design. The developer's goal is to put together an application that the municipality will support so that it will be approved.

Elements of Development Review

Once the planning or zoning board accepts an application as complete, the commission should obtain and review all the relevant maps and documents, including the Environmental Impact Statement, if that has been required. At planning board hearings, the common member who sits on both the board and the commission will learn about the application's details and the board's concerns and also raise questions about environmental issues like non point pollution, stormwater management, tree and habitat loss.

It's also a good idea for the environmental commission to make sure the planning board has a checklist of which state permits the applicant must obtain for the project to go forward. NJDEP regulations for new development cover non point air and water pollution, coastal facilities, coastal and freshwater wetlands, water pollutant direct discharges, stream encroachment, flood hazard areas, waterfront development, sewage extensions and connections, water supply and brownfields. Most applicants need to obtain an NJDEP Letter of Interpretation (LOI) regarding the presence or absence and extent of wetlands. NJDEP's Landscape Project can also help identify whether the site should be surveyed for endangered and threatened species.



B. PRETZ

After the environmental commission has reviewed the available data, applicant's documents and public comment, it should prepare a statement of findings of fact and recommendations including conditions of approval like locating buildings to protect wetlands, slopes or streams. Send the statement to the applicant, administrative officer and planning or zoning board members. A commission member should attend a public hearing on the proposal and read the commission's report into the record so that it becomes part of the official record. This is the only way to insure that environmental data will be taken into account should the board's ultimate decision be appealed in court. The commission member may also have to answer questions from the applicant and board members.

The Municipal Land Use Law has timetables and standards for the review of development applications. Preliminary approval gives a project the green light to proceed. Generally, an applicant must meet certain conditions before obtaining final approval necessary for a building permit.

General Guidelines

Richard D. Klein, president of Community & Environmental Defense Services suggests a number of ways to deal with development proposals. *

Verify What Has Been Proposed. Get a copy of the project plans from the planning or zoning board to review. The plans will give you the facts so you can fully understand what is being proposed. Make notes of all concerns and problem areas that you see regarding the project. Request a copy of all the documents and note the applicant's name and contact information along with any comments made. This will be needed as you pursue your options for resolving your concerns.

Discuss Your Concerns with Town Officials. Once you review the plans, request to meet appropriate town officials. Be prepared to discuss the impacts that concern you, the basis

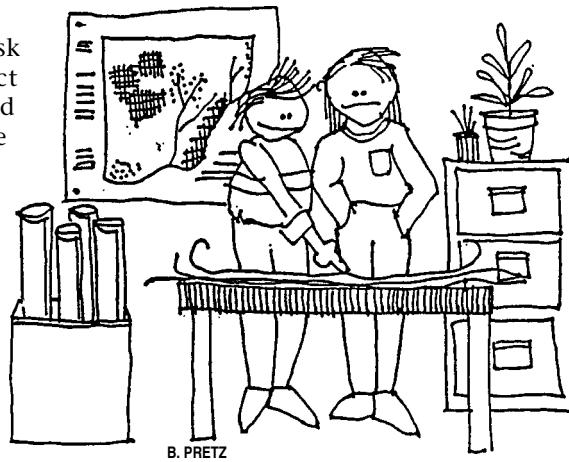
for each concern and ask if the impact can be resolved through the review process. Listen with an open mind if they disagree about the likelihood of an impact.

Rare is the situation where a solution is not available. Try asking town officials to speculate about technical solutions. If they feel they lack authority to resolve your concerns, then ask which official would be responsible.

Research Development Impacts. If officials believe an impact is unlikely and you disagree there are several approaches you can consider. Research the development impacts by searching for existing similar projects such as one located near a neighborhood resembling yours and with as many similarities as yours. Talk to nearby, long time residents about their experience with the project in their neighborhood and to citizen activists who have participated in campaigns involving similar projects. The research they have conducted could be extremely valuable to your efforts. Most complaints regarding visual impacts, noise and other disturbances would go to the local zoning office. The local health department would handle complaints about sewage, odor or pests. Elected officials may have also received complaints, particularly those representing the district where the existing use is located.

If you are concerned about water quality impacts, consider monitoring techniques to assess how the existing use has affected nearby waters.

Project Status, Comments & Appeals. Ask officials for a description of the review process and where the project stands in the process. Find out when opportunities for public comment will be and if there's anything special you need to do to make comments. For example, do you need to attend a hearing or get



written comments in before a specific date?

Ask about your right to appeal if project approvals are granted before your concerns are fully resolved. Cover questions such as filing deadlines and format as well as other specif-

ics for preserving your right to appeal. Have your name added to an interested parties list if one exists. Find out what section of the local law pertains to your concerns and if any guidance documents exist to help applicants comply with relevant laws.

Look for Win-Win Solutions. A win-win solution, available for most development projects, corrects the negative effects while allowing applicants to get much of what they want. Sometimes it's obvious what changes would reduce or eliminate project impacts. However, occasionally, a project is so poorly conceived that there is just no way to reduce impacts to a tolerable level. The thing to keep in mind is that there are always options available for resolving your concerns.

Once a bad development has been defeated, take the appropriate steps to protect the land by convincing the town, county, state or a conservation organization to purchase and protect the site from future development proposals.

For Further Information

- ANJEC, Site Plan Review and ERI Resource Papers, www.anjec.org/html/publications.htm
- Community & Environmental Defense Services, *How To Win Land Development Issues*, by Richard D. Klein, www.ceds.org.
- Municipal Land Use Law N.J.S.A. 40:55D-1 et seq.
- NJDEP Landscape Project, www.nj.gov/dep/fgw/ensp/landscape/index.htm

* The following text is condensed from Richard D. Klein, *How to Win Land Development Issues*, Community & Environmental Defense Services, www.ceds.org

Good Earthkeeping

Information commissions can duplicate to use in their communities

By Kerry Miller, ANJEC Assistant Director

BUYING RECYCLED

Each year in the US we discard over two hundred million *tons* of unwanted materials into landfills and incinerators. A lot of New Jersey's waste is trucked to out-of-state landfills, adding hundreds of gas guzzling, polluting trash trucks to our highways each day. Incineration emits sulfur dioxide, mercury, dioxins and other pollutants into the air.

An additional problem with the disposal system is that useful raw materials are squandered – lost in the trash stream. It takes significantly more energy and water to produce products from raw materials than from used materials. Mining and refining new metals, minerals and oil also generates large amounts of air and water pollution.

Recycling is an important part of the answer to this problem. Collecting and turning unwanted plastics, metals, plant fibers and minerals into new products saves energy and leaves some natural resources for future generations. Recycling can save money, too, if enough folks get on board. But the economies of scale of recycling won't come into play until many people "complete the cycle" by demanding and purchasing recycled products.

Finding Recycled Products

There are quite a number of businesses that manufacture or sell recycled products in New Jersey, though it may take some extra effort to find them. The NJ Buy Recycled Business Network (www.state.nj.us/dep/dshw/recycle/brbn.htm) is a

group of companies committed to increasing their purchase of recycled content products. The Network encourages businesses to set goals for the amount of recycled products they will buy and establish a "price preference policy", meaning that the company will pay a premium of (typically 10 percent) extra for an equivalent product that is made of recycled materials. NJDEP's Buy Recycled Information Site

(www.state.nj.us/dep/dshw/recyclenj) lists recycled products and vendors with contact information. It also contains links to Buy Recycled web sites throughout the country.

Not all recycled products are equal, depending on whether they are made from "pre-consumer" or "post-consumer" materials.

Pre-consumer materials are scraps from the production process that are put back into the process. Post-consumer refers to materials reclaimed *after* they are used, such as old newspapers, office paper, beverage containers and cans. Although pre-consumer recycling is important, post-consumer materials recycling holds the most potential for saving natural resources in the future. When you look at the labeling on recycled products, look for the ones with the highest percentage of post-consumer materials.

Marcal Paper Mills (<http://marcalpaper.com>) is a New Jersey manufacturer that has been producing paper products using post-

consumer materials for decades.

Marcal recycles about 150,000 tons of used paper a year from municipalities, schools and businesses in the northeast, turning it into tissue, paper towels, napkins, paper bags and absorbent granules. Their products are sold in most grocery stores.

Retail recycled products include copier and computer paper, building materials like plastic lumber, posts and railings, and landscape and garden products including mats, play equipment and outdoor furniture. (Note: not all plastic lumber is recycled, so do a little bit of investigation before you buy.) Recycled tires can be made into new carpet cushion, newsprint into ceiling tiles, and plastic bottles into carpet, decks and textiles.

When you purchase a recycled product at any store, mention to the clerk that recycled content influenced your decision. Visit the websites of large chain retailers and send an e-mail encouraging them to offer more recycled products.

When you buy recycled, you save resources, reduce pollution, and support businesses that care about the environment.

For Further Information

- NJ Buy Recycled Business Network www.state.nj.us/dep/dshw/recycle/brbn.htm.
- NJDEP Buy Recycled Products Information Site, www.state.nj.us/dep/dshw/recyclenj
- Marcal Paper Mills, <http://marcalpaper.com> 






Food for Thought for Donut Communities

Like dozens of other communities throughout NJ, Woodstown Borough and Pilesgrove Township (Salem) are donut communities. An historic urban area, designated as a State Plan town center, Woodstown is fully surrounded by more rural Pilesgrove. They share schools, a library, a fire company, rescue squad and a true spirit of community.

When a group of citizens first introduced the notion of a joint environmental commission to the two governing bodies several years ago, both towns were unreceptive. Earlier this year under the direction of the newly elected mayor, Ed Kille, Pilesgrove set out to establish its own commission. After Woodstown council member Rick Pfeffer read an advertisement for members in the local paper, he suggested Kille consider forming a joint commission.

With several new officials in office, the two municipalities agreed to join forces to address open space and farmland preservation, water and sewer capacity problems and other environmental issues. They passed ordinances establishing NJ's second joint commission, and appointed five members from each town.

After just two meetings, the Pilesgrove-Woodstown commission is working through its site plan review and NRI committees to develop positive relationships with the planning boards and to prepare an NRI.

Princeton Borough and Township have had a joint commission since 1977. "There are no borders when it comes to the environment," notes vice-chair Barbara Simpson. "A joint commission makes it is easier to be more effective because the commission can tap from a larger pool of resources that two towns have to offer. And the environment benefits because the commission looks at the natural resources as a whole system." 

Chatham Township Schools are Recycling Again


Chatham Township (Morris) Environmental Commission member Kathy Abbott noticed two years ago that recycling was declining at her child's public elementary school. Starting this fall, the school district's recycling system is fully reactivated, thanks to Abbot's research and persistence, the support of the environmental commission, other parents and Morris County recycling staff.

"The main challenges were to convince the school district to fund a recycling pickup hauler, containers and dumpsters. The previous system had become irregular because of strains on the custodial staff. A lot of my work involved making presentations and researching services, containers and prices," said Abbott.

She made sure the school district carried out recycling pick-ups at her daughter's school and led recycling reminder projects for the past three Earth Days. During Earth Day 2002,


students and the parent's committee collected 130 pounds of waste paper in the 550-pupil school in just one week – the equivalent of one tree's pulp.

While recycling marketing and enforcement have declined over the last decade, public facilities need just a nudge to comply with state and municipal recycling laws. County officials are responsible for recycling oversight and are generally the best resources for help.

Last November the Morris County Municipal Utilities Authority recognized Kathy Abbott's work with its annual Renaissance Woman Award. 

The Greening of Highland Park

Highland Park's (Middlesex) Environmental Commission, in partnership with the mayor's office and the Shade Tree Advisory Committee is working to preserve its Raritan River border as a chain of natural lands, rehabilitated with native plantings, nature trails, and educational signage. The center will be a pavilion with native plantings and educational signage on a three-acre site at the Native Plant Reserve on busy River Road. Hundreds drive past this most visible Highland Park site every day. The Reserve aims to demonstrate that highly developed urban areas can reclaim natural habitat. Trails and signage along the river will make nature experiences accessible to residents throughout the borough.

Highland Park is also planning to reconstruct the downtown business district with enhanced landscaping, solar power for municipal buildings, and "green" improvements in school buildings, accompanied by environmental education programs. 

County Recycling Contacts

Bergen	201-807-8683
Burlington	609-499-1001
Camden	856-858-5241
Cape May	609-465-9026
Cumberland	856-825-3700
Essex	973-857-2350
Gloucester	856-478-6045
Hudson	800-540-0987
Mercer	609-278-8100
Middlesex	732-745-4170
Monmouth	732-922-2234
Morris	973-631-5109
Ocean	800-55-RECYCLE
Passaic	973-305-5738
Salem	856-935-7900
Somerset	732- 231-7681
Union	908-654-9889
Warren	908- 453-3601

Collaborative Partnerships Promote Environmental Preservation

By Sue Kozel,
Upper Freehold (Monmouth) Environmental Commission

Never underestimate the power of photography and the energy of enthusiastic, environmentally conscious high school students.

Early in the school year, I proposed to four high school teachers an Earth Day project to join with students to photograph vanishing vistas in Upper Freehold, a rural community with one of New Jersey's largest areas of preserved farmland. Increasingly the township is experiencing intense development pressures, and has been engaged in three years of master planning discussions which have concentrated on zoning. Intrigued by the idea, Allentown High School Teacher Maureen Nosal offered students in an advanced placement biology class the opportunity to help create a visual record of the township's scenic and environmentally sensitive landscapes.

Combining Photography and Outreach

For almost four months, I had the pleasure and honor of working with Sara Bloom Leeds and Brian Todd. They put together two detailed notebooks that underscore the township's beauty and uniqueness. The books feature nearly 500 photographs and summaries of interviews, research findings on development pressures and the students' own interpretations regarding how to protect the township's natural resources.

For six Saturdays, we photographed farms, scenic vistas, parkland and construction sites. Sara and Brian

interviewed eight individuals about what they believe needs to be in place in order to protect the township's rural character. My role included "driver" and tour guide as we covered 150 miles.

For eight Fridays, the students and I met after school to discuss public policy issues, the viewpoints expressed by those interviewed, questions about zoning, and how they felt a project like this might make a difference. Coverage of the project in two local papers and the school district's newsletter assisted our efforts in securing other partners in promoting the notebooks and their preservation message.

The high quality of photography and narrative text attracted partners to help preserve the photo collection and recognize these students' unique contributions. Sara and Brian received an A+ for the project and congratulatory resolutions from the township committee and the board of freeholders. The Monmouth County Library is using the photographs for a display and will be adding the notebooks to its New Jerseyana collection.

The students' work will assist the efforts of a newly formed local committee to identify scenic roads and have part of our township declared a scenic corridor by the NJ Department of Transportation. It will

also help direct the work of a newly formed Vision and Scenic Corridor Committee, of which I am vice chair. This committee will consider what zoning and policies need to be in place to make certain that Upper Freehold's rural




SUE KOZEL

One of hundreds of old growth trees gracing Upper Freehold Township.

character will remain in 20 years. The students' notebook project will help illustrate the visual images of specific areas that are under threat of rapid development.

Lessons Learned

The environmental commission supported the project and paid for film. I financed the remaining \$400 of costs because no other funding was available. While we constituted a great team, I would recommend including a third student. The reality was that I took many of the photos because Sara and Brian were busy interviewing community leaders and taking notes on locations and vistas. I thank ANJEC for its Smart Growth workshop, which covered creating and implementing a Vision Statement. Those strategies will help the Vision Committee address environmental preservation and planning issues.

Sara and Brian brought to the table passion, observation skills, the scientific understanding of ecosystems, and the value of tree preservation, open space preservation, disappearing habitat and wetlands management. I would encourage all environmental commission members to consider undertaking a similar project during the school year as a way to engage students and benefit from their keen insights and talent. 



SUE KOZEL

Construction clear-cutting on Upper Freehold forest.

ANJEC in the City

By Veronique Koster, ANJEC Writer

Trees: Green Gold for the Urban Environment

Despite the important role trees play in maintaining a healthy environment natural tree cover has decreased by over 30 percent in many cities over the last few decades. Urban forest studies are showing that trees help regulate air temperature, improve air and water quality, reduce noise pollution, and attract wildlife. They also can help to reduce heating and cooling costs, as well as raise property values.

During the summer in cities, excessive heat buildup results as solar energy becomes trapped in sidewalks, buildings, and roads, and then is emitted again at night. A recent study of heat islands in Newark and Camden, conducted by NASA's Goddard Institute and Montclair State University, found that planting more trees could be a simple solution to urban heat. As plants convert the sunlight to chemical energy, they release water vapor that cools the air. Planting several trees together can

help to reduce outdoor air temperatures 3 to 5 degrees and minimize the occurrence of heat islands. The study also projected that planting shade trees like oaks and maples could reduce cooling costs by \$725,000 each year in a city like Newark.

Trees also provide health benefits for people living and working in urban areas. Lower air temperatures reduce smog levels, which can significantly decrease the occurrence of asthma. Trees also absorb and neutralize gaseous pollutants like carbon dioxide, and trap and filter particulate pollutants like dust, ash, pollen, and smoke. A U.S. Forest Service (USFS) study found that one large tree can remove over a pound of ozone and two pounds of sulfur dioxide, nitrogen dioxide, and other airborne pollutants annually. Our green friends also help minimize flooding and reduce pollutants entering waterways from streets and parking lot runoff by absorbing and filtering the water.

Other advantages of including trees in the urban landscape include buffering the sounds of cars and construction, adding beauty and attracting wildlife. Trees can also have

financial benefits. Planting rows as windbreaks can cut heating costs by up to 50 percent during winter months. Having shade trees strategically placed to shade houses and office buildings can reduce summer cooling costs by up to 30 percent. Furthermore, having attractive trees can increase property values by an average of 10 percent.

City trees can also help trees outside urban areas. A recent study found that cottonwood trees in New York City are growing significantly faster than those on Long Island. Scientists believe that ozone is responsible for this interesting phenomenon. This pollutant is known to harm plants and animals, and is often found at higher levels in rural areas than in urban ones. Ozone may actually be slowing growth in rural areas, allowing city trees to grow faster.

Educating the public about why trees should be an integral part of the developed landscape is critical to the success of urban forestry. Arbor Day, celebrated each year on the last Friday in April, offers the perfect opportunity to conduct school programs, hold writing and poster contests, and bring in guest speakers to teach the benefits of planting trees where we live and work.

FOR FURTHER INFORMATION

- National Arbor Day Foundation, www.arborday.org
- Community Forestry Resources, www.treelink.org
- Urban Tree and Shrub Selection Guide, www.na.fs.fed.us/spfo/pubs/uf/uts/

Sign Up for ANJEC's Green City Gazette

ANJEC announces its new *Green City Gazette*, a monthly e-mail newsletter for environmentalists in urban and developed communities. The *Gazette* provides readers with a periodic sampling of information and resources relating to urban environmental issues, highlighting relevant events, books, articles, web sites and various odds and ends. To receive a free email subscription, email us at info@anjec.org. The newsletter is also available on ANJEC's web site at <http://www.anjec.org/html/greencitynew.htm>.



Planting trees in New Brunswick.

NJ TREE FOUNDATION

ANJEC's Activities & Accomplishments



Bringing Training to Commissioners

By Sally Dudley, Editor, ANJEC Report

From the day ANJEC first opened its doors more than 30 years ago, training for environmental commissioners and local officials has been an important part of our program. Our first commissioners' course in 1970 offered nine weeks of instruction in Morristown (Morris), New Brunswick (Middlesex) and Lincroft (Monmouth) and attracted nearly 100 attendees from 65 commissions. We committed early on to holding a course every year to provide commissioners with information on basic commission operations, natural resource inventories, local initiatives like master plans, environmental ordinances and open space preservation and information on state laws covering freshwater wetlands protection, wastewater and stormwater management and solid waste. To make our training more accessible as more and more municipalities across the state established commissions, ANJEC has offered regional commissioners' courses in northern, central and southern NJ.

In the mid-1990s as a convenience for commissions, we started offering "Road Shows," which brought the ANJEC training workshops to member commissions in their communities. Road Shows allow commissions to choose the training topics to address issues of local concern. Presentations on commission powers and responsibilities, making a commission more effective or site plan review generally appeal to commission members. Other topics like open space acquisition and farmland preservation, storm water management and affordable housing are of more general interest and usually attract members of the planning and zoning boards, as well as the governing body.

With a broad range of experience from their service on environmental commissions, planning boards, governing bodies, state committees and the boards of other environmental and planning non profits, ANJEC staff and trustees are well-prepared to make many Road Show presentations. When appropriate, we also ask staff of other non-profits or government officials to speak on their areas of expertise.

What Happens at Road Shows

Road Shows offer an opportunity to bring people together and share experiences. For example, inviting planning and zoning board members to a Road Show that covers site plan review can help foster better working relationships and broader understanding of what should be considered. And for regional issues, Road Shows offer a chance for neighboring communities to share their challenges and successes. For example, earlier this year, Chatham Borough (Morris) invited four neighboring commissions to a Road Show on environmental resource inventories. This helped those present to under-




B. PRETZ

stand the environmental connections between their communities.

ANJEC staff has also benefited from Road Shows. It gives us an opportunity to have some time with commission members, discuss the challenges and opportunities they are dealing with. We get a better idea of the character of their communities, the kinds of issues and political challenges they face. And that helps us understand better what kind of technical assistance and guidance ANJEC needs to put together to help commissions be more effective in protecting natural resources and environmental quality.

Over the last year, ANJEC has put on more than a dozen Road Shows, attended by nearly 200 commissioners and local officials. For example, at one session, the municipal engineer brought the borough's plans for a riverside greenway to a session for a newly formed commission. The charge is just \$180, no matter how many people are invited. (Thanks to grants from the Schumann Fund for NJ and the Fund for NJ, ANJEC is currently able to offer Road Shows at no charge to urban commissions.) The commission chooses a date (anytime but July, August or December) and topics to be covered. It obtains the location, usually a meeting room in the municipal building and sends out invitations to anyone it would like to be there, depending on the subjects to be covered. ANJEC arranges for speakers and handouts.

Road Shows offer terrific opportunities for environmental commissions and open space committees who are ANJEC members to schedule training sessions in their communities on the special issues they are facing. To sign up for one in your municipality, contact Michele Gaynor at 973-539-7547, or mgaynor@anjec.org. 

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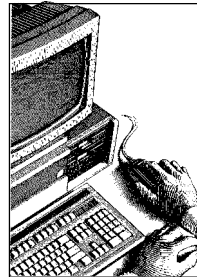
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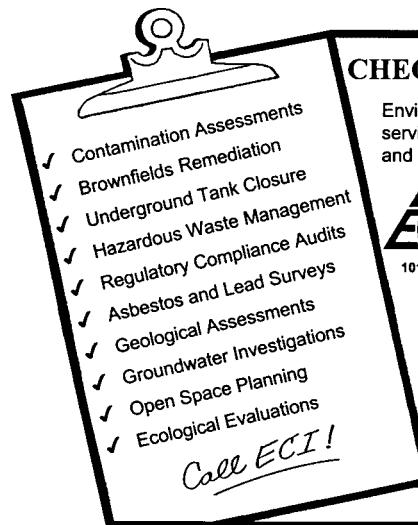
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